

**MINUTES OF THE REGULAR MEETING OF THE
UPLAND CITY COUNCIL
FEBRUARY 25, 2019**

OPENING

The regular meeting of the Upland City Council was called to order by Mayor Debbie Stone at 6:00 p.m. in the Council Chamber of the Upland City Hall.

1. ROLL CALL

Present: Mayor Debbie Stone, Council Members Janice Elliott, Ricky Felix, Bill Velto, and Rudy Zuniga

Staff: City Manager Jeannette Vagnozzi, City Attorney James L. Markman, and City Clerk Keri Johnson

2. ADDITIONS/DELETIONS TO AGENDA None

3. ORAL COMMUNICATIONS None

4. CLOSED SESSION

At 6:01 p.m. Mayor Stone announced the City Council would recess to Closed Session pursuant to Government Code Section

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of California Government Code Section 54956.9)

Case Name: San Antonio Heights Association v. County of San Bernardino Local Agency Formation Commission et. al. San Bernardino Superior Court Case No. CIVDS 1715504

B. GOVERNMENT CODE SECTION 54956.9 (d) (1) EXISTING LITIGATION
(WORKER'S COMP CLAIM)

Claimant: Judy Jauregui
Agency: City of Upland

C. GOVERNMENT CODE SECTION 54956.9 (d) (1) EXISTING LITIGATION
(WORKER'S COMP CLAIM)

Claimant: Phillip Watkins
Agency: City of Upland

D. GOVERNMENT CODE SECTION 54956.9 (d) (1) EXISTING LITIGATION
(WORKER'S COMP CLAIM)

Claimant: Anthony Yoakum
Agency: City of Upland

E. GOVERNMENT CODE SECTION 54957 - PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Attorney

The City Council reconvened in open session at 7:00 p.m.

5. INVOCATION Zayneb Shakely, City of Knowledge School

6. PLEDGE OF ALLEGIANCE Jim Thomas

7. PRESENTATIONS

A Certificate Recognizing the 90th Anniversary of the Placement of the Madonna of the Trail Statue was accepted by Kathy Holloway.

8. CITY ATTORNEY

City Attorney Markman announced there was nothing to report from Closed Session.

9. ORAL COMMUNICATIONS

John Goss, Upland, questioned whether the City had performed due diligence in testing the structure of the reservoir that is in need of replacement.

Sharon Hardin, Upland City Employees Association (UCEA), stated the UCEA had nominated Steve Bierbaum to the Personnel Board of Review and as the association with the largest membership that should be taken into consideration.

Gifty Beets, Upland, introduced herself to the Council and spoke regarding her background and qualifications to serve on the Personnel Board of Review.

Moe Duran, Upland Police Officers' Association, questioned the use of funds set aside in the budget for negotiations and stated dissatisfaction with the negotiation process.

Bob Cable, Upland, questioned the details of the tax sharing agreement with Ford of Upland and whether a small business would receive the same type of agreement. He also stated support for Martha Goss and Shawn Stone to serve on the San Antonio Water Company Board.

Shawn Stone, Upland, stated interest in serving on the San Antonio Water Company Board and provided information on his background and qualifications.

Nick Peelman, Upland Police Officers' Association President, stated dissatisfaction with the negotiations process. He also requested the Council appoint Steve Bierbaum to the Personnel Board of Review.

Dede Ramella, Upland, stated support for the appointment of Martha Goss to the San Antonio Company Water Board.

Glenn Bozar, Upland, commented on the Statement of Decision issued in the San Antonio Heights V. LAFCO lawsuit.

Steve Bierbaum, Upland, provided information on his background and qualifications to serve on the Personnel Board of Review.

10. COUNCIL COMMUNICATIONS

Councilmembers announced various activities throughout the community, including providing an update on the meetings they attended.

11. CONSENT CALENDAR

Councilmember Zuniga removed Consent Calendar Item 11D, and Councilmember Felix removed Consent Calendar Item 11E for separate action. Motion by Councilmember Elliott to approve the remainder of the Consent Calendar, seconded by Councilmember Velto, and carried unanimously.

A. APPROVAL OF WARRANT AND PAYROLL REGISTERS JANUARY 2019

Approved the January Warrant Registers and Direct Disbursements (check numbers 23634-24031) totaling \$7,870,525.23 and Payroll Registers totaling \$1,768,651.89 (check Numbers 160471-160510 and EFTs 12557-13296).

B. APPROVAL OF MINUTES

Approved the Regular Meeting Minutes of February 11, 2019.

C. DESIGNATION OF A DELEGATE TO THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS GENERAL ASSEMBLY MEETING

Appointed Councilmember Janice Elliott as the delegate to represent the City of Upland at the Southern California Association of Governments General Assembly Meeting on May 2, 2019.

F. APPOINTMENT OF TRAFFIC SAFETY ADVISORY COMMITTEE MEMBERS

Ratified the following appointments to the Traffic Safety Advisory Committee: Eddie Limbaga, term to expire in December 2020, and Lisa Nassar, term to expire in December 2022.

G. APPOINTMENT TO THE BUILDING BOARD OF APPEALS

Ratified the appointment of Jason Gaudy to the Building Board of Appeals, term to expire in December 2022.

H. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT FOR BENEFIT BROKER SERVICES

Approved a Professional Services Agreement for benefit broker services with Keenan and Associates; and authorized the City Manager to execute the agreement.

ITEMS REMOVED FOR SEPARATE ACTION

D. APPROVAL OF PARCEL MAP 19856 FOR THE COLONIES PARTNERS, L.P.

Public Works Director Hoerning answered Council's questions regarding traffic circulation and future development of the property.

Development Services Director Dalquest provided additional information regarding the proposed development for the property.

Motion by Councilmember Zuniga to conditionally approve Parcel Map 19856 subject to the recordation of the Ingress/Egress Easement Agreement referenced on the map on the same date as the final map recordation, seconded by Councilmember Felix, and carried unanimously.

E. EMERGENCY PURCHASE AND INSTALLATION OF EQUIPMENT AND PROFESSIONAL SERVICES FOR WATER SYSTEM IMPROVEMENTS

Public Works Director Hoerning answered Council's questions regarding the inspection and assessment of the reservoir, measures that have been taken to prevent catastrophic failure, and the loan process for construction of a new reservoir.

Motion by Councilmember Zuniga to receive and file the status update, seconded by Councilmember Felix, and carried unanimously.

12. PUBLIC HEARINGS

A. CONTINUED PUBLIC HEARING: ALLEY VACATION AT 1148 SAN BERNARDINO ROAD AND ORDER TO VACATE

Public Works Director Hoerning presented the staff report which is on file in the City Clerk's office.

There was discussion on the San Antonio Regional Hospital project and whether there would be public access once the alley was vacated.

Mayor Stone opened the public hearing.

Steven Cable, Upland, compared the project to another project in the City and questioned whether all businesses are required to follow the same guidelines. He also questioned why the property was already fenced off and whether the City would receive any compensation for the property.

Bob Cable, Upland, stated that the alley was already blocked off from public access and it looked like the project was moving ahead of the approval process. He questioned whether the proper procedures had been followed; and requested transparency and fairness.

There being no other speakers, Mayor Stone closed the public hearing.

There was discussion on the existing fencing around the construction area, whether the hospital had received encroachment permits for the project and the City's costs for alley maintenance.

City Attorney Markman clarified that vacating the alley relieved the City of maintenance and liability responsibilities.

Motion by Councilmember Felix to adopt Resolution No. 6481 declaring the order to vacate 20-foot wide alley located at 1147 San Bernardino Road,

approximately 813 linear feet, seconded by Councilmember Velto, and carried unanimously.

13. COUNCIL COMMITTEE REPORTS

14. BUSINESS ITEMS

A. CONSIDER RENEWAL OF LIBRARY AGREEMENT

Administrative Consultant Hal Fredericksen presented the staff report, which is on file in the City Clerk's Office.

Motion by Councilmember Felix to direct staff to negotiate and prepare a draft Agreement for renewal of the existing Agreement with Library Systems and Services, LLC for continued operation of the Upland Public Library, for a period of five years, seconded by Mayor Stone, and carried unanimously.

B. APPOINTMENT TO PERSONNEL BOARD OF REVIEW

City Clerk Johnson presented the staff report, which is on file in the City Clerk's Office.

There was discussion on the qualifications of the nominees.

Motion by Councilmember Elliott to appoint Steve Bierbaum to the Personnel Board of Review; and ratify the appointment, term to expire June, 2019, seconded by Councilmember Zuniga. The motion failed with Mayor Stone, and Councilmembers Felix and Velto opposed.

There was discussion on the number of members in each employee association and which associations nominated Ms. Beets and Mr. Bierbaum.

Motion by Councilmember Felix to table the item for future discussion, seconded by Councilmember Velto, and carried with Councilmember Elliott opposed.

C. MID-YEAR BUDGET FY 2018-19 REVIEW

Finance Officer Bock-Helms presented the staff report, which is on file in the City Clerk's Office.

There was discussion on the timing of revenues received, building maintenance projects, and the current commitment of fund balance. There were suggestions for possible use of the unreserved fund balance.

City Manager Vagnozzi stated that if funds are committed to reserve then it would require a 4/5 vote of the Council to uncommit the funds.

Motion by Councilmember Felix to receive and file the Mid-Year Budget Report for Fiscal Year 2018/19; approve the Proposed Mid-Year Adjustments; and to leave the fund balance unreserved/undesignated, seconded by Councilmember Elliott, and carried unanimously.

- D. CONSIDERATION OF A SECOND AMENDMENT TO THE RESTATED AND AMENDED OWNER PARTICIPATION AGREEMENT BY AND BETWEEN THE CITY OF UPLAND AND FORD OF UPLAND, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (FORMALLY NAMED PARK PLACE, LLC)

Development Services Director Dalquest presented the staff report, which is on file in the City Clerk's Office.

There was discussion on the history of the project and unforeseen issues that resulted in increased expenses and an extended timeline for construction.

Mark Bertone of Madole and Associates, Inc. spoke regarding the challenges that led to changes in the construction plan.

Jason Annigian, Attorney for Ford of Upland, stated that Ford of Upland was committed to finishing the project and had already met the financial obligation of the tax sharing agreement.

There was discussion on the terms of the tax sharing agreement and changes to the design for the proposed dealership; including less square footage and fewer ancillary buildings.

Motion by Mayor Stone to approve the Second Amendment to the Restated and Amended Owner Participation Agreement between the City of Upland and Ford of Upland, LLC, a California limited liability company, seconded by Councilmember Elliott, and carried with Councilmember Felix opposed.

- E. PROXY FOR SAN ANTONIO WATER COMPANY

Public Works Director Hoerning presented the staff report, which is on file in the City Clerk's Office.

Councilmember Zuniga suggested the Council consider including the appointment of Martha Goss to the San Antonio Water Company for the slate of directors. He further suggested that his appointment to the slate of directors be temporary and he would serve until the Council could find a qualified candidate to replace him.

Motion by Councilmember Zuniga to appoint Tom Thomas as proxy to vote all shares at the annual stockholder's meeting of the San Antonio Water Company for the slate of directors; and to include the appointment of Martha Goss and Councilmember Rudy Zuniga to the proposed Board slate, seconded by Councilmember Elliot, and carried with Mayor Stone opposed.

- F. CREATE TWO AD HOC COMMITTEES

City Manager Vagnozzi presented the staff report, which is on file in the City Clerk's Office.

Motion by Mayor Stone to create an ad hoc committee to discuss facility use with Upland Unified School District; and appoint Councilmembers Felix and

Zuniga, and a staff member to the committee, seconded by Councilmember Felix, and carried unanimously.

Motion by Councilmember Felix to create an ad hoc committee to discuss concerns related to Historic Downtown Upland, seconded by Councilmember Zuniga, and carried unanimously.

15. ORAL COMMUNICATION (items not on the agenda)

Kristine Scott, Public Affairs Manager with Southern California Gas Company, provided an update on SoCal Gas and the importance of natural gas in a balanced energy portfolio.

Steve Scovill, spoke about a recent incident in his neighborhood and the prompt response of Upland Police Department. He further stated the need for more funding for the Police Department.

Lois Sicking Dieter, Upland, spoke in opposition of a proposed cell phone tower installation in McCarthy Park.

Allesandra Lopez, spoke in opposition of a proposed cell phone tower installation in McCarthy Park.

16. CITY MANAGER

17. ADJOURNMENT

At 10:13 p.m., Mayor Stone adjourned in memory of two Upland residents: Hilario Rodriguez, owner of Genoveva's Restaurant and Nicholas O'Laughlin, a San Bernardino County Sherriff's Deputy. The next regularly scheduled City Council meeting is Monday, March 11, 2019.

SUBMITTED BY



Keri Johnson, City Clerk

APPROVED

March 11, 2019
